

FILED

DISTRICT COURT OF GUAM

JAN -9 2007 hba

MARY L.M. MORAN
CLERK OF COURT

1 Mark S. Smith
2 LAW OFFICE OF MARK SMITH
3 456 West O'Brien Drive, Suite 102-D
Hagatna, Guam 96910
(671) 477-6631

4 Attorneys for Defendant:
WEN YUEH LU

5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF GUAM**

8 UNITED STATES OF AMERICA,)
9)
10 Plaintiff,)
11 vs.) **DECLARATION OF**
12 WEN YUEH LU,) **MARK S. SMITH**
13 Defendant.)

14 **DECLARATION OF MARK S. SMITH**

15 I, MARK S. SMITH hereby declare under penalty of perjury that:

- 16 1. I am an attorney licensed to practice in this Court and competent to testify in any
17 court;
18 2. I make this declaration upon personal knowledge unless otherwise stated;
19 3. I am employed as counsel for Defendant Wen Yueh Lu in the above captioned
20 action;
21 4. I maintain a private law office with separate address, phone, fax and email
22 addresses, separate and independent from that of the law firm of Berman O'Connor & Mann and
23 attorney Daniel J. Berman;
24 5. I practice law in my own Guam and Saipan law offices and I am not associated
25 with attorney Daniel Berman or his law firm of Berman O'Connor & Mann;
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4 6. I have met and conferred directly with my client Defendant Wen Yueh Lu on
5 previous occasions;

6 7. I provide independent legal advice to my client Defendant Wen Yueh Lu in the
7 above captioned action;

8 8. Without waiver of I and my client's privilege and right to attorney client
9 confidential communications, I disclose to this Court that I have an independent retainer
10 agreement in writing signed by Defendant Wen Yueh Lu and my legal fees have been paid by
11 Defendant Wen Yueh Lu.

12 FURTHER DECLARANT SAYETH NAUGHT.

13 Dated this 6th day of January, 2007.

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17 MARK S. SMITH
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